

REMARKS

At page 3 of the Office Action, the Examiner indicates that claims 2 and 4-20 would be allowable if rewritten in independent form. The limitations of claim 2 have been incorporated into claim 1. Thus, the Applicant believes that claim 1 is now in condition for allowance. Claims 3-20 are also allowable, at least by virtue of their dependency from claim 1. Claim 2 is canceled to avoid duplicity. The claims that previously depend from claim 2 now depend from claim 1. Claim 5 and claim 13 (indicated as allowable) are rewritten in independent from (as new claims 22-23). Claim 21 has been canceled.

Upon amendment, this application will have 3 independent claims (claims 1, 22 and 23) and 21 total claims (claims 1, 3-20 and 22-23). When this application was filed, official fee for excess claims was paid for up to 21 total claims. Thus, no additional fee is due at this time.

Disagreement matter of record

At pages 2-3 of the Office Action, the Examiner rejects claims 1, 3 and 21 under 35 USC 102(b) as being anticipated by Hamaguchi et al. (US Patent No. 5,422,867). The Applicant does not agree with the grounds for these rejections and wishes to make his disagreement a matter of record.

As mentioned in the last response, the Applicant believes that Hamaguchi et al. does not disclose "error signal producing means for producing an error signal showing an error between a radiated position of the

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optical beam on the recording medium and a position of the track" or "drive signal producing means for producing a drive signal to move the carriage means on a basis of both the changed periodic signal produced and the error signal produced", as recited by claim 1 of the present application. Claim 21 also contains similar limitations, which are not disclosed or suggested by the cited reference.

However, being desirous to conserve time and funds, the Applicant agrees to adopt the Examiner's recommendations. The Applicant understands that claims 2 and 4-20 will be allowed if re-written in independent form including all of the limitations of the base and intervening claims.

The Applicant reserves the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

The Applicant has attempted to address all of the issues raised by the Examiner in the Office Action as the Applicants understand them. The Applicant believes that the Application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcgai@ladasparry.com.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time

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period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Enclosed please find a copy of Troy Guangyu Cai's Notice of Limited Recognition under 35 CFR 10.9(b) to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney of record in the applications is a registered practitioner who is a member of Ladas & Parry.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 4, 2004
(Date of Deposit)

Troy Guangyu Cai
(Name of Person Signing)

(Signature)

(Date)

Respectfully submitted,


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This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: March 1, 2004

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Director of Enrollment and Discipline

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